

AMENDED IN SENATE JUNE 14, 2016

AMENDED IN ASSEMBLY MAY 3, 2016

AMENDED IN ASSEMBLY APRIL 20, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2686

Introduced by Assembly Members Mullin and Gonzalez

February 19, 2016

An act to amend Section 4000.5 of, and to add Section 4001.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 2686, as amended, Mullin. Elections: all-mailed ballot elections.

Existing law generally does not allow special elections to fill vacancies in state offices, the Legislature, or Congress to be conducted wholly by mail. Existing law authorizes, until January 1, 2021, San Diego County to conduct, as a pilot program, an all-mailed ballot special election or special consolidated election (1) to fill a congressional or legislative vacancy if the congressional or legislative district lies wholly within San Diego County, (2) to fill a vacancy in the legislative body or governing body, and (3) for certain local initiative and referendum measures.

This bill would authorize San Diego County to additionally conduct such an all-mailed ballot special election (1) to fill a congressional or legislative vacancy if the congressional or legislative district lies partially within San Diego County, and (2) for the recall of a local officer.

This bill would also authorize, until January 1, 2021, any county to conduct, as a pilot program, an all-mailed ballot special election or

special consolidated election to fill a congressional or legislative vacancy only if 50 percent or more of the total number of voters within the county are permanent vote by mail voters and the county board of supervisors adopts a resolution approving the county's participation in the pilot program. The bill would impose specific requirements for an all-mailed ballot special election or special consolidation election to be conducted under the pilot program. If a county conducts an all-mailed ballot special election or special consolidation election pursuant to these provisions, the bill would require the county to submit a report to the Legislature and the Secretary of State that includes certain information regarding the success of the election, including any statistics on the cost to conduct the election.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4000.5 of the Elections Code is amended
2 to read:
3 4000.5. (a) Notwithstanding Section 4000 or any other law,
4 as a pilot program, an all-mailed ballot special election or special
5 consolidated election in San Diego County may be conducted by
6 an eligible entity if the special election or special consolidated
7 election is any of the following:
8 (1) A special election to fill a vacancy in a congressional or
9 legislative office.
10 (2) A special election to fill a vacancy in the legislative body
11 or governing body.
12 (3) A special election conducted pursuant to Chapter 2
13 (commencing with Section 9100), Chapter 3 (commencing with
14 Section 9200), Chapter 4 (commencing with Section 9300), Chapter
15 5 (commencing with Section 9400), Chapter 6 (commencing with
16 Section 9500) of Division 9, or Chapter 3 (commencing with
17 Section 11200) of Division 11.
18 (b) A special election or special consolidated election described
19 in paragraphs (1) to (3), inclusive, of subdivision (a) may be
20 conducted wholly as an all-mailed ballot election if all of the
21 following apply:
22 (1) (A) For a special election to fill a vacancy in a congressional
23 or legislative office, the Board of Supervisors of San Diego County,

1 by resolution, authorizes the use of mailed ballots for the election
2 and the congressional or legislative district lies wholly or partially
3 within San Diego County.

4 (B) For all other special elections, the legislative body or
5 governing body of the eligible entity, by resolution, authorizes the
6 use of mailed ballots for the election.

7 (2) The election does not occur on the same date as a statewide
8 direct primary election, statewide general election, or any other
9 election conducted in an overlapping jurisdiction that is not
10 consolidated and conducted wholly by mail.

11 (3) (A) If the boundaries of the jurisdiction of the eligible entity
12 overlap with the boundaries of a city, at least one ballot dropoff
13 location is provided per city that is open during business hours to
14 receive voted ballots beginning not less than seven days before
15 the date of the election.

16 (B) The number of dropoff locations in unincorporated areas
17 shall be based on the number of unincorporated registered voters
18 divided by 100,000 (rounded to the next whole number) with no
19 less than one location to be selected.

20 (C) A ballot dropoff location provided for under this section
21 shall consist of a locked ballot box located in a secure public
22 building that meets the accessibility requirements for a polling
23 place.

24 (4) On at least one Saturday and Sunday on or after the date the
25 elections official first delivers ballots to voters, the elections official
26 allows any voter to vote the ballot at a satellite location within the
27 jurisdiction of the eligible entity pursuant to Section 3018. The
28 elections official shall determine the hours of operation for each
29 Saturday and Sunday, provided that the satellite location is open
30 to voters for a minimum of six hours on each designated Saturday
31 and Sunday.

32 (5) (A) At least one polling place is provided per eligible entity
33 or the polling places are fixed in a manner so that there is one
34 polling place for every 10,000 registered voters within the
35 jurisdiction of the eligible entity, as determined on the 88th day
36 before the day of the election, whichever results in more polling
37 places. A polling place shall allow a voter to request and vote a
38 ballot between 7 a.m. and 8 p.m. on the day of the election.

39 (B) The polling places provided under this section shall be
40 established in accordance with the accessibility requirements

1 described in Article 5 (commencing with Section 12280) of Chapter
2 3 of Division 12, the federal Americans with Disabilities Act of
3 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America
4 Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal
5 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), and
6 shall, to the extent possible, ensure that access is evenly distributed
7 throughout the jurisdiction of the eligible entity.

8 (C) The polling places provided under this section shall be
9 established at accessible locations and shall be equipped with
10 voting units or systems that are accessible to individuals with
11 disabilities and that provide the same opportunity for access and
12 participation as is provided to voters who are not disabled,
13 including the ability to vote privately and independently in
14 accordance with Sections 12280 and 19240.

15 (D) If a polling place consolidates one or more precincts for
16 which the elections official is required to recruit precinct board
17 members who are fluent in a language in addition to English
18 pursuant to the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
19 10101 et seq.), the elections official shall ensure that the polling
20 place is staffed by precinct board members who speak that
21 language.

22 (E) If a polling place consolidates one or more precincts for
23 which the elections official is required to recruit precinct board
24 members who are fluent in a language in addition to English
25 pursuant to subdivision (c) of Section 12303, the elections official
26 shall make reasonable efforts to ensure that the polling place is
27 staffed by precinct board members who speak that language.

28 (6) (A) The elections official delivers to each voter all supplies
29 necessary for the use and return of the mail ballot, including an
30 envelope for the return of the voted mail ballot with postage
31 prepaid.

32 (B) The elections official delivers to each voter, with either the
33 sample ballot sent pursuant to Section 13303 or with the voter's
34 ballot, all of the following:

35 (i) A notice, translated in all languages required under
36 subdivision (c) of Section 14201 and Section 203 of the federal
37 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that
38 informs voters of all of the following:

39 (I) An all-mailed ballot election is being conducted and each
40 eligible voter will receive a ballot by mail.

1 (II) The voter may cast a ballot in person at a satellite location
2 provided for under paragraph (4) or at a polling place on election
3 day.

4 (III) The voter may request the elections official to send a vote
5 by mail ballot in a language other than English pursuant to Section
6 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101
7 et seq.) or a facsimile copy of the ballot printed in a language other
8 than English pursuant to Section 14201.

9 (ii) A list of the ballot dropoff locations, satellite locations, and
10 polling places established pursuant to this section. The list shall
11 also be posted on the Internet Web site of the elections official.

12 (iii) A postage-paid postcard that the voter may return to the
13 elections official for the purpose of requesting a vote by mail ballot
14 in a language other than English.

15 (7) (A) The elections official submits to the Secretary of State
16 a voter education and outreach plan to be implemented by the
17 eligible entity for any election conducted pursuant to this section.
18 The voter education and outreach plan shall include, but shall not
19 be limited to, all of the following:

20 (i) One education and outreach meeting that includes
21 representatives, advocates, and other stakeholders representing
22 each community for which the eligible entity is required to provide
23 voting materials and assistance in a language other than English
24 under subdivision (c) of Section 14201 and the federal Voting
25 Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

26 (ii) One education and outreach meeting that includes
27 representatives from community organizations and individuals
28 that advocate on behalf of, or provide services to, individuals with
29 disabilities.

30 (iii) At least one in-person bilingual voter education workshop
31 for each language in which the eligible entity is required to provide
32 voting materials and assistance under subdivision (c) of Section
33 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
34 10101 et seq.).

35 (iv) At least one in-person voter education workshop to increase
36 accessibility for participation of eligible voters with disabilities.

37 (v) A toll-free voter assistance hotline maintained by the
38 elections official that is operational no later than the date that vote
39 by mail ballots are mailed to voters until 5 p.m. on the day after
40 the special election. The toll-free voter assistance hotline shall

1 provide assistance to voters in all languages in which the eligible
2 entity is required to provide voting materials and assistance under
3 subdivision (c) of Section 14201 and the federal Voting Rights
4 Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

5 (vi) At least one public service announcement in the media,
6 including newspapers, radio, and television, that serve
7 English-speaking citizens for purposes of informing voters of the
8 upcoming election and promoting the toll-free voter assistance
9 hotline.

10 (vii) At least one public service announcement in the media,
11 including newspapers, radio, and television, that serves
12 non-English-speaking citizens for each language in which the
13 eligible entity is required to provide voting materials and assistance
14 under subdivision (c) of Section 14201 and the federal Voting
15 Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) for purposes of
16 informing voters of the upcoming election and promoting the
17 toll-free voter assistance hotline.

18 (viii) A voter education social media strategy that is developed
19 in partnership with community organizations and individuals that
20 advocate on behalf of, or provide services to, non-English-speaking
21 individuals and individuals with disabilities.

22 (B) The voter education and outreach plan shall be posted on
23 the Internet Web site of the Secretary of State and on the Internet
24 Web site of the elections official.

25 (c) Except as otherwise provided in this section, the election
26 day procedures shall be conducted in accordance with Division
27 14 (commencing with Section 14000).

28 (d) The elections official may provide, at his or her discretion,
29 additional ballot dropoff locations and polling places for purposes
30 of this section.

31 (e) The return of voted mail ballots is subject to Sections 3017
32 and 3020.

33 (f) (1) If the eligible entity conducts a special election pursuant
34 to this section, it may process vote by mail ballot return envelopes
35 beginning 29 days before the election. Processing vote by mail
36 ballot return envelopes may include verifying the voter's signature
37 on the vote by mail ballot return envelope and updating voter
38 history records.

39 (2) If the eligible entity conducts a special election pursuant to
40 this section, it may start to process vote by mail ballots on the 10th

1 business day before the election. Processing vote by mail ballots
2 includes opening vote by mail ballot return envelopes, removing
3 ballots, duplicating any damaged ballots, and preparing the ballots
4 to be machine read, or machine reading them, but under no
5 circumstances shall a vote count be accessed or released until 8
6 p.m. on the day of the election.

7 (g) Results of any vote by mail ballot tabulation or count shall
8 not be released before the close of the polls on the day of the
9 election.

10 (h) For the sole purpose of reporting the results of an election
11 conducted pursuant to this section, upon completion of the ballot
12 count, the elections official shall divide the jurisdiction into
13 precincts pursuant to Article 2 (commencing with Section 12220)
14 of Chapter 3 of Division 12 and shall prepare a statement of the
15 results of the election in accordance with Sections 15373 and
16 15374.

17 (i) The elections official shall compile an index, list, or file of
18 all persons who voted in an election conducted pursuant to this
19 section. If the elections official uses data-processing equipment
20 to compile the index, list, or file, he or she shall retain an accurate
21 copy of that index, list, or file in electronic format for a period of
22 10 years.

23 (j) (1) If an election is conducted pursuant to this section, the
24 eligible entity shall report to the Legislature and to the Secretary
25 of State regarding the success of the election, including, but not
26 limited to, all of the following:

27 (A) Any statistics on the cost to conduct the election.

28 (B) The turnout of different populations, including, but not
29 limited to, and to the extent possible, the population categories of
30 race, ethnicity, language preference, age, gender, disability,
31 permanent vote by mail status, and political party preference.

32 (C) The number of ballots that were not counted and the reasons
33 they were rejected.

34 (D) Voter fraud.

35 (E) Any other problems that become known to the eligible entity
36 during the election or canvass.

37 (2) Whenever possible, using the criteria set forth in paragraph
38 (1), the report shall compare the election conducted pursuant to
39 this section to similar elections not conducted pursuant to this
40 section in the same jurisdiction or comparable jurisdictions.

(3) Within six months after the date of the election or before the date of a subsequent election conducted pursuant to this section, whichever is sooner, the eligible entity shall do all of the following with respect to the report required by this subdivision:

(A) Submit the report to the Legislature in compliance with Section 9795 of the Government Code.

(B) Submit the report to the Secretary of State.

(C) Post the report on the Internet Web site of the elections official.

(k) For purposes of this section, “eligible entity” means both of the following:

(1) San Diego County.

(2) A city, school district, community college district, special district, or other district or political subdivision organized pursuant to state law, whose boundaries are located wholly or partially within San Diego County.

(l) An election conducted pursuant to this section is not subject to Section 4001.5.

(m) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 2. Section 4001.5 is added to the Elections Code, to read:

4001.5. (a) Notwithstanding Section 4000 or any other law, as a pilot program, a county may conduct an all-mailed ballot special election or special consolidated election if the special election or special consolidated election is a special election to fill a vacancy in a congressional or legislative office.

(b) A special election or special consolidated election described in subdivision (a) may be conducted wholly as an all-mailed ballot election if all of the following apply:

(1) (A) The county board of supervisors, by resolution, approves the county’s participation in the pilot program established by this section. A county may only participate in the pilot program if the percentage of permanent vote by mail voters in the county equals or exceeds 50 percent of the total number of voters in the county, as determined at the most recent statewide general election.

(B) If a county board of supervisors adopts a resolution pursuant to subparagraph (A), the county board of supervisors shall transmit the resolution to the Secretary of State within 10 days of adopting the resolution. Within 10 days of receiving a resolution adopted

1 pursuant to subparagraph (A), the Secretary of State shall notify
2 the Voting Accessibility Advisory Committee, established pursuant
3 to Section 2053, and the Language Accessibility Advisory
4 Committee, established pursuant to Section 2600, of the county's
5 participation in the pilot program.

6 (2) The county board of supervisors, by resolution, authorizes
7 the use of mailed ballots for the election and the congressional or
8 legislative district lies wholly or partially within the county.

9 (3) The election does not occur on the same date as a statewide
10 direct primary election, statewide general election, or any other
11 election conducted in an overlapping jurisdiction that is not
12 consolidated and conducted wholly by mail.

13 (4) (A) At least one ballot dropoff location is provided per city
14 that is open during business hours to receive voted ballots
15 beginning not less than seven days before the date of the election.

16 (B) The number of dropoff locations in unincorporated areas
17 shall be based on the number of unincorporated registered voters
18 divided by 100,000 (rounded to the next whole number) with no
19 less than one location to be selected.

20 (C) A ballot dropoff location provided for under this section
21 shall consist of a locked ballot box located in a secure public
22 building that meets the accessibility requirements for a polling
23 place.

24 (5) On at least one Saturday and Sunday on or after the date the
25 county elections official first delivers ballots to voters, the county
26 elections official allows any voter to vote the ballot at a satellite
27 location within the county pursuant to Section 3018. The county
28 elections official shall determine the hours of operation for each
29 Saturday and Sunday, provided that the satellite location is open
30 to voters for a minimum of six hours on each designated Saturday
31 and Sunday.

32 (6) (A) The polling places are fixed in a manner so that there
33 is one polling place for every 10,000 registered voters within the
34 county, or the portion of the county in which the special election
35 is being held, as determined on the 88th day before the day of the
36 election. A polling place shall allow a voter to request and vote a
37 ballot between 7 a.m. and 8 p.m. on the day of the election.

38 (B) The polling places provided under this section shall be
39 established in accordance with the accessibility requirements
40 described in Article 5 (commencing with Section 12280) of Chapter

1 3 of Division 12, the federal Americans with Disabilities Act of
2 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America
3 Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal
4 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), and
5 shall, to the extent possible, ensure that access is evenly distributed
6 throughout the county, or the portion of the county in which the
7 special election is being held.

8 (C) The polling places provided under this section shall be
9 established at accessible locations and shall be equipped with
10 voting units or systems that are accessible to individuals with
11 disabilities and that provide the same opportunity for access and
12 participation as is provided to voters who are not disabled,
13 including the ability to vote privately and independently in
14 accordance with Sections 12280 and 19240.

15 (D) The county elections official shall consider proximity to
16 public transportation in determining the polling places to provide
17 under this section.

18 (E) If a polling place consolidates one or more precincts for
19 which the county elections official is required to recruit precinct
20 board members who are fluent in a language in addition to English
21 pursuant to the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
22 10101 et seq.), the county elections official shall ensure that the
23 polling place is staffed by precinct board members who speak that
24 language.

25 (F) If a polling place consolidates one or more precincts for
26 which the county elections official is required to recruit precinct
27 board members who are fluent in a language in addition to English
28 pursuant to subdivision (c) of Section 12303, the county elections
29 official shall make reasonable efforts to ensure that the polling
30 place is staffed by precinct board members who speak that
31 language.

32 (7) (A) The county elections official delivers to each voter all
33 supplies necessary for the use and return of the mail ballot,
34 including an envelope for the return of the voted mail ballot with
35 postage prepaid.

36 (B) *The county elections official delivers to each voter a notice,*
37 *in addition to the notice required by clause (i) of subparagraph*
38 *(C), translated in all languages required under subdivision (c) of*
39 *Section 14201 and Section 203 of the federal Voting Rights Act of*
40 *1965 (52 U.S.C. Sec. 10101 et seq.), that informs voters that an*

1 *all-mailed ballot election is being conducted. The county elections*
2 *official may send only one notice to a household if multiple*
3 *registered voters reside within that household.*

4 ~~(B)~~

5 (C) The county elections official delivers to each voter, with
6 either the sample ballot sent pursuant to Section 13303 or with the
7 voter's ballot, all of the following:

8 (i) A notice, translated in all languages required under
9 subdivision (c) of Section 14201 and Section 203 of the federal
10 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that
11 informs voters of all of the following:

12 (I) An all-mailed ballot election is being conducted and each
13 eligible voter will receive a ballot by mail.

14 (II) The voter may cast a ballot in person at a satellite location
15 provided for under paragraph (5) or at a polling place on election
16 day.

17 (III) The voter may request the county elections official to send
18 a vote by mail ballot in a language other than English pursuant to
19 Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C.
20 Sec. 10101 et seq.) or a facsimile copy of the ballot printed in a
21 language other than English pursuant to Section 14201.

22 (ii) A list of the ballot dropoff locations, satellite locations, and
23 polling places established pursuant to this section. The list shall
24 also be posted on the Internet Web site of the county elections
25 official.

26 (iii) A postage-paid postcard that the voter may return to the
27 county elections official for the purpose of requesting a vote by
28 mail ballot in a language other than English.

29 (8) (A) The county elections official submits to the Secretary
30 of State a voter education and outreach plan to be implemented
31 by the county for any election conducted pursuant to this section.
32 The voter education and outreach plan shall include, but shall not
33 be limited to, all of the following:

34 (i) One education and outreach meeting that includes
35 representatives, advocates, and other stakeholders representing
36 each community for which the county is required to provide voting
37 materials and assistance in a language other than English under
38 subdivision (c) of Section 14201 and the federal Voting Rights
39 Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(ii) One education and outreach meeting that includes representatives from community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

(iii) At least one in-person bilingual voter education workshop for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(iv) At least one in-person voter education workshop to increase accessibility for participation of eligible voters with disabilities.

(v) A toll-free voter assistance hotline maintained by the county elections official that is operational no later than the date that vote by mail ballots are mailed to voters until 5 p.m. on the day after the special election. The toll-free voter assistance hotline shall provide assistance to voters in all languages in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(vi) At least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(vii) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(viii) A voter education social media strategy that is developed in partnership with community organizations and individuals that advocate on behalf of, or provide services to, non-English-speaking individuals and individuals with disabilities.

(ix) *The registration rates, participation rates, and rejection rates, including the reasons for rejection, of permanent vote by mail voters and in-person voters for the county. If the information is readily available, the county elections official shall include any*

1 *statistics on the turnout of different populations, including, but*
2 *not limited to, the population categories of race, ethnicity, language*
3 *preference, age, gender, and disability. If the data reflects*
4 *significant disparities in voter accessibility and participation, the*
5 *county elections official shall include a statement of how he or she*
6 *plans to address each disparity.*

7 (B) The voter education and outreach plan shall be posted on
8 the Internet Web site of the Secretary of State and on the Internet
9 Web site of the county elections official.

10 (9) (A) *The county elections official establishes a community*
11 *election advisory committee that consists of community members*
12 *representing minority groups covered under the federal Voting*
13 *Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) and subdivision*
14 *(c) of Section 14201 and voters with disabilities including, but not*
15 *limited to, mobility, sensory, physical, and mental disabilities. In*
16 *lieu of a community election advisory committee, the county*
17 *elections official may establish a local voting accessibility advisory*
18 *committee pursuant to the guidelines promulgated by the Secretary*
19 *of State.*

20 (B) *The advisory committee described in subparagraph (A) shall*
21 *hold at least one meeting in the year prior to an all-mailed ballot*
22 *election conducted pursuant to this section.*

23 (c) Except as otherwise provided in this section, the election
24 day procedures shall be conducted in accordance with Division
25 14 (commencing with Section 14000).

26 (d) The county elections official may provide, at his or her
27 discretion, additional ballot dropoff locations and polling places
28 for purposes of this section.

29 (e) The return of voted mail ballots is subject to Sections 3017
30 and 3020.

31 (f) Participating in the pilot program established by this section
32 does not preclude the use of a remote accessible vote by mail
33 system.

34 (g) (1) If the county conducts a special election pursuant to this
35 section, it may process vote by mail ballot return envelopes
36 beginning 29 days before the election. Processing vote by mail
37 ballot return envelopes may include verifying the voter's signature
38 on the vote by mail ballot return envelope and updating voter
39 history records.

(2) If the county conducts a special election pursuant to this section, it may start to process vote by mail ballots on the 10th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances shall a vote count be accessed or released until 8 p.m. on the day of the election.

(h) Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

(i) For the sole purpose of reporting the results of an election conducted pursuant to this section, upon completion of the ballot count, the county elections official shall divide the county, or the portion of the county in which the special election is being held into precincts pursuant to Article 2 (commencing with Section 12220) of Chapter 3 of Division 12 and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374.

(j) The county elections official shall compile an index, list, or file of all persons who voted in an election conducted pursuant to this section. If the county elections official uses data-processing equipment to compile the index, list, or file, he or she shall retain an accurate copy of that index, list, or file in electronic format for a period of 10 years.

(k) (1) If an election is conducted pursuant to this section, the county shall report to the Legislature and to the Secretary of State regarding the success of the election, including, but not limited to, all of the following:

(A) Any statistics on the cost to conduct the election.

(B) The turnout of different populations, including, but not limited to, and to the extent possible, the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party preference.

(C) The number of ballots that were not counted and the reasons they were rejected.

(D) Voter fraud.

(E) Any other problems that become known to the county during the election or canvass.

1 (2) Whenever possible, using the criteria set forth in paragraph
2 (1), the report shall compare the election conducted pursuant to
3 this section to similar elections not conducted pursuant to this
4 section in the same county or comparable counties.

5 (3) Within six months after the date of the election or before
6 the date of a subsequent election conducted pursuant to this section,
7 whichever is sooner, the county shall do all of the following with
8 respect to the report required by this subdivision:

9 (A) Submit the report to the Legislature in compliance with
10 Section 9795 of the Government Code.

11 (B) Submit the report to the Secretary of State.

12 (C) Post the report on the Internet Web site of the county
13 elections official.

14 (d) This section shall remain in effect only until January 1, 2021,
15 and as of that date is repealed, unless a later enacted statute, that
16 is enacted before January 1, 2021, deletes or extends that date.